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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

GILLIGAN, CHRISTOPHER L

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/741,145

Applicant(s)

LEE ET AL.

Examiner

Luke Gilligan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/21/2000</u> . | 6) <input type="checkbox"/> Other: _____ |

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Claims 1-21 have been examined.

Double Patenting

1. Applicant is advised that should claim 13 be found allowable, claim 14 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 1 recites the phrase "the existing method of calculating an insurance fee" at lines 5-6. There is no previously identified "method of calculating an insurance fee," therefore, it is unclear to the Examiner what this "existing method of calculating an insurance fee" refers to. Additionally, claim 12 recites the phrase "the existing method of calculating an insurance fee" at line 7.

5. Claims 2-11 and 13-18 contain the same deficiencies as claims 1 and 12 through dependency and are rejected for the same reasons.

6. Claim 19 similarly recites the phrase "the conventional method of calculating an insurance fee." It is also unclear to the Examiner what this phrase refers to.

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7. Claim 20 contains the same deficiencies as claim 19 through dependency and are rejected for the same reasons.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over McMillan et al., U.S. Patent no. 6,064,970 in view of Murphy, U.S. Patent No. 6,232,874.

10. As per claim 1, McMillan teaches a method for processing insurance comprising the steps of: purchasing insurance with predetermined information at a price according to an insurance fee (see column 3, lines 45-50); inputting the predetermined information on the insurance into an insurance processing system mounted on a vehicle (see column 6, lines 44-57); memorizing the information on the insurance read out by a microcomputer in a memory device controlled by the microcomputer and displaying the same on a display section (see column 6, line 64 – column 7, line 17); inputting driving information sensed by a vehicle driving information sensor connected to the insurance processing system as the vehicle drives (see column 6, line 64 – column 7, line 17); computing an insurance value by means of the microcomputer based on the insurance information and the driving information inputted by the vehicle driving information sensor (see column 8, lines 63-65); renewing or extinguishing an insurance value by transmitting the insurance value computed by the microcomputer (see column 10, lines 39-50).

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11. McMillan does not explicitly teach the use of a card with predetermined information, inputting the predetermined information on the card through a card reader. Murphy teaches the use of a card with predetermined information in conjunction with a card reader for monitoring driving behavior (see column 6, line 60 – column 7, line 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the system of McMillan. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of enhancing the ability of an insurance company to offer a discount on premiums covering operation of the vehicle by a restricted operator (see column 11, line 67 – column 12, line 3 of Murphy and column 5, lines 23-27 of McMillan). It should also be noted that the system of McMillan includes a driver input console (see column 7, line 9) which could be replaced with the card reader of Murphy.

12. As per claim 2, McMillan in view of Murphy teach the method of claim 1 as described above. McMillan further teaches the insurance information is the original information of the vehicle including a type of the insurance, and insurance fee rate calculation formula according to the type of the insurance, an insurance value, personal information on the insurance subscriber, and a manufactured year of the vehicle, and a kind of vehicle (see column 3, line 61 – column 4, line 10).

13. As per claim 3, McMillan in view of Murphy teach the method of claim 2 as described above. McMillan further teaches the insurance value is a driving distance or a driving time of the vehicle (see column 6, lines 30-43).

14. As per claim 4, McMillan in view of Murphy teach the method of claim 1 as described above. McMillan does not explicitly teach determining whether or not a card has been inserted to the card reader, and displaying a warning phrase requiring an insertion of the card if not inserted. Murphy teaches determining whether or not a card has been inserted to the card

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reader, and displaying a warning phrase requiring an insertion of the card if not inserted (see column 7, lines 53-67). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the system of McMillan for the reasons given above with respect to claim 1.

15. As per claim 5, McMillan in view of Murphy teach the method of claim 1 as described above. McMillan further teaches accessing a server of the insurance company by means of a communication control section controlled by the microcomputer, a wire or wireless telecommunication terminal, and an input device connected to the communication control section (see column 6, lines 63-65 and column 10, lines 30-33); inputting information on a driver including personal information and information related on the insurance including a required amount of the insurance fee, a type of the insurance, a bank account to settle the insurance fee to the accessed server of the insurance company (see column 10, lines 33-49); approving the requisites of the driver by the server of the insurance company (see column 10, lines 33-49); transmitting the approved insurance value to the insurance processing system of the driver (see column 10, lines 47-50); and transmitting the received insurance value to the insurance processing system and renewing the insurance value (see column 10, lines 47-50). McMillan does not explicitly teach transmitting information to a card reader. Murphy teaches the use of a card with in conjunction with a card reader for monitoring driving behavior (see column 6, line 60 – column 7, line 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the system of McMillan for the reasons given above with respect to claim 1.

16. As per claim 6, McMillan in view of Murphy teach the method of claim 1 as described above. McMillan further teaches storing the computed result to a storing device controlled by the microcomputer; and transmitting the insurance value stored in the storing device to the

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insurance processing system at regular intervals or upon termination of the driving and renewing the insurance value (see column 10, lines 17-29).

17. As per claim 7, McMillan in view of Murphy teach the method of claim 6 as described above. McMillan further teaches storing the computed result together with the driving information in the storing device controlled by the microcomputer (see column 6, line 64 – column 7, line 17).

18. As per claim 8, McMillan in view of Murphy teach the method of claim 7 as described above. McMillan further teaches reading out the computed result and the driving information stored in the storing device by the microcomputer at regular or irregular intervals or upon request from the server of the insurance company (see column 10, lines 14-21); transmitting the read-out information to the server of the insurance company via a wire or wireless terminal connected to the communication control section controlled by the microcomputer (see column 6, lines 63-65); and databasing the computed result and the driving information inputted to the server of the insurance company (see column 10, lines 26-29).

19. As per claim 9, McMillan in view of Murphy teach the method of claim 8 as described above. McMillan further teaches processing the databased information and transmitting the same to the driver via correspondence, email, or an internet terminal at regular intervals (see column 10, lines 49-50).

20. As per claim 10, McMillan in view of Murphy teach the method of claim 1 as described above. McMillan further teaches installing a terminal by the insurance company (see Figure 3). McMillan does not explicitly teach that a card is capable of reading out, re-recording or extinguishing the information recorded thereon by using the terminal. Murphy teaches the use of a card with in conjunction with a card reader for monitoring driving behavior (see column 6, line 60 – column 7, line 6). It would have been obvious to one of ordinary skill in the art at the

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time of the invention to incorporate this feature into the system of McMillan for the reasons given above with respect to claim 1.

21. As per claim 11, McMillan in view of Murphy teach the method of claim 1 as described above. McMillan further teaches calculating the insurance value at a discount or a premium according to driving velocity (see column 6, line 36).

22. Claims 12-21 contain substantially similar limitations to those already addressed in claims 1-11 and, as such, are rejected for similar reasons as given above.

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Bunn teaches a system for vehicle tracking that includes wireless communication between a terminal mounted in a vehicle and a central controller.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke Gilligan whose telephone number is (703) 308-6104. The examiner can normally be reached on Monday-Friday 8am-5:30pm.


25. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (703) 305-9588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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26. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CLG
12/13/04



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